IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4476 OF 2006

Saifan Haji Hasan Ustad Qureshi
and Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.Ujwal Angadsurve for applicants
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 19th December 2006

P.C.

. Mr.Angadsurve, after taking instructions makes a statement that applicant No.2 is not

pressing for pre-arrest bail. Application insofar as applicant No.2 is concerned is dismissed. However, this does not prevent applicant No.2 from applying for regulart bail and such application shall be considered on its own merits uninfluenced by any observations in the order of the Additional Sessions Judge.

2. Mr.Angadsurve submits that the applicant No.2 is apprehending arrest in connection with C.R.No.76 of 2006 registered by Fouzdar Chavdi Police Station, Solapur for offences punishable under sections 307, 323, 324 and 143, 147 to 149 I.P.C. read with section 135 of Bombay Police Act.

3. Mr.Angadsurve submits that as far as name of applicant No.1 is concerned, in the entire F.I.R. and the statement of complainant Mainuddin, there is no reference to applicant No.1. Name of applicant No.1 is Saifan Haji

Hassan Ustad Qureshi. The dispute is between complainant and one Imran Shaikh. The incident occurred after one Mustaid abused Imran. Both, Imran and Shakir are friends of complainant. Thereafter, it is alleged that the persons named in the statement came with iron rods and assault took place. Statements of about nine persons have been recorded. Entire investigations are complete and charge sheet is filed. As far as applicant No.2 is concerned, he is shown absconding and that application is not pressed. However, as far as applicant No.1 is concerned, it does not appear to me that the aspect highlighted before me were noted by the learned Additional Sessions Judge. All that is alleged is that applicants were absconding since the occurance and there is no recovery from them because of non-arrest. However, applicant No.1, according to Mr.Angadsurve is residing at the address mentioned in the cause title and would attend concerned police station. In these

circumstances, he deserved to be granted pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant No.1 Saifan Haji Hasan Ustad Qureshi in connection with C.R.No.76 of 2006 registered with Fouzdar Chavdi Police Station, Solapur the applicant shall be enlarged on bail in the sum of Rs.5,000/-with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Fouzdar Chavdi police station once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter as directed by trial court. Applicant No.1 shall not leave Solapur city without prior permission of trial court.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge

sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)